

ORDINANCE NO. 2887

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, ANNEXING AND ZONING A PARCEL OF LAND APPROXIMATELY 72.87 ACRES IN SIZE LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS APPROXIMATELY 65.60 ACRES SITUATED SOUTH OF KRAFT ROAD AND WEST OF GATHE DRIVE, APPROXIMATELY 1.82 ACRES WHICH IS PART OF GATHE DRIVE, AND APPROXIMATELY 5.45 ACRES SITUATED ADJACENT TO THE EAST SIDE OF GATHE DRIVE, COMPRISING A TOTAL OF APPROXIMATELY 72.87 ACRES LYING WITHIN THE AREA OF CITY IMPACT, AND ADJACENT TO THE CURRENT CITY LIMITS, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREIN; PROVIDING FOR THE CITY CLERK TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH THE IDAHO STATE TAX COMMISSION AND WITH THE BANNOCK COUNTY AUDITOR, TREASURER, AND ASSESSOR IN ACCORDANCE WITH IDAHO CODE §§ 50-223 AND 63-2215; PROVIDING FOR THE 65.60 ACRES WEST OF GATHE DRIVE TO BE ZONED RESIDENTIAL COMMERCIAL PROFESSIONAL; PROVIDING FOR THE REMAINING 7.27 ACRES INCLUDING GATHE DRIVE AND THE ACREAGE EAST OF GATHE DRIVE TO BE ZONED RESIDENTIAL MEDIUM DENSITY MULTI-FAMILY; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW. THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, there is certain land lying contiguous or adjacent to the City of Pocatello, subject to annexation in accordance with the provisions of Idaho Code §50-222; and

WHEREAS, the Holy Spirit Catholic Community is the owner of 65.60 acres of said land situated west of Gathe Drive and South of Kraft Road, and desires to construct a church and school on said parcel; and

WHEREAS, the City of Pocatello is the owner of two triangular shaped parcels of land comprised of approximately 5.45 acres and situated east of Gathe Drive and adjacent to City-owned property which lies within the City limits; and

WHEREAS, Bannock County is the owner of record of that portion of Gathe Drive which lies between the above described parcels of land owned by the Holy Spirit Catholic Community and the City of Pocatello; and

WHEREAS, the Holy Spirit Catholic Community, the City of Pocatello, and Bannock County have all either requested or granted permission for annexation of their above described real property into the city limits of the City of Pocatello; and

WHEREAS, annexation of said real property will provide continuity of city limits and provide ease of administration of said property for development and maintenance purposes; and

WHEREAS, a public hearing was held on July 28, 2010, before the Planning and Zoning Commission, which recommended that the City Council annex the real property into the corporate limits of the City with a zoning designation of Residential Commercial Professional for the real property owned by the Holy Spirit Catholic Community, and a designation of Residential Medium Density Multi-Family for the real property owned by Bannock County and the City of Pocatello; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Pocatello and the residents thereof that the said real property heretofore described in this title and hereinafter described in this ordinance be annexed to the City of Pocatello and be simultaneously zoned;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That the following described land, as depicted on the map attached hereto and made a part hereof, be hereby annexed and made a part of the City of Pocatello, a municipal corporation of Idaho:

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 21, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, ALL BEING IN TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN,

BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF SECTIONS 21, 22, 27, AND 28, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, MARKED BY A BANNOCK COUNTY BRASS CAP MONUMENT DESCRIBED ON CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 92000840 IN THE RECORDS OF BANNOCK COUNTY, IDAHO;

THENCE NORTH 89°30'46" EAST (BASIS OF BEARING PER THE CENTRAL MERIDIAN OF THE EAST ZONE OF THE IDAHO STATE PLANE COORDINATE SYSTEM) ALONG THE SOUTH LINE OF SECTION 22, A DISTANCE OF 543 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE PRESENT CITY OF POCA TELLO CITY LIMITS LINE, BEING DESCRIBED IN CITY OF POCA TELLO ORDINANCE NO. 1729, RECORDED UNDER INSTRUMENT NO. 513876 OF THE RECORDS OF BANNOCK COUNTY, IDAHO;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID PRESENT CITY LIMITS LINE, A DISTANCE OF 961 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID SECTION 22 WHICH POINT BEING NORTH 00°14'42" EAST ALONG SAID WEST LINE, A DISTANCE OF 800 FEET FROM THE CORNER OF SECTIONS 21, 22, 27 AND 28; THENCE NORTH 00°14'42" EAST ALONG SAID CITY LIMITS LINE, ALSO BEING THE WEST LINE OF SECTION 22, A DISTANCE OF 300 FEET;

THENCE CONTINUING ALONG SAID CITY LIMITS LINE NORTH 38°22'30" EAST A DISTANCE 287.6 FEET MORE OR LESS TO A POINT ON THE SOUTH 1/16 LINE OF SAID SECTION 22;

THENCE LEAVING THE PRESENT CITY LIMITS LINE SOUTH 89°36'23" WEST ALONG SAID SOUTH 1/16 LINE A DISTANCE OF 177.59 FEET TO THE SOUTH 1/16 CORNER OF SECTIONS 21 AND 22, MARKED BY AN ITD BRASS CAP MONUMENT DESCRIBED ON CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 92000843 OF SAID COUNTY RECORDS;

THENCE NORTH 89°54'30" WEST ALONG THE SOUTH 1/16 LINE OF SECTION 22, A DISTANCE OF 25.08 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF GATHE DRIVE, DESCRIBED IN DEED INSTRUMENT NO. 330372 OF SAID COUNTY RECORDS;

THENCE CONTINUING NORTH 89°54'30" WEST ALONG SAID SOUTH 1/16 LINE A DISTANCE OF 30.43 FEET TO A

POINT ON THE WEST RIGHT OF WAY LINE OF GATHE DRIVE;
THENCE NORTH 09°43'46" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 3.06 FEET TO A 9°30' ANGLE POINT, WHICH POINT BEING 55.00 FEET PERPENDICULAR DISTANCE FROM THE EAST LINE OF SAID SECTION 22;
THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 00°13'46" EAST A DISTANCE OF 111.06 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF THE PARCEL OF LAND ORIGINALLY DESCRIBED IN DEED INSTRUMENT NO. 315931 OF SAID COUNTY RECORDS;
THENCE SOUTH 88°33'46" WEST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 431.60 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, MARKED BY A 1/2 INCH REBAR WITH PLASTIC CAP STAMPED HLE PLS 5360;
THENCE NORTH 00°13'46" EAST, ALONG THE WESTERLY BOUNDARY LINE OF THE PARCELS OF LAND ORIGINALLY DESCRIBED IN DEED INSTRUMENT NOS. 315931, 356710 AND 299441, A DISTANCE OF 310.00 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL ORIGINALLY DESCRIBED IN DEED INSTRUMENT NO. 299441, MARKED BY A 1/2 INCH REBAR WITH PLASTIC CAP STAMPED HLE PLS 5360;
THENCE NORTH 88°33'46" EAST, ALONG THE NORTHERLY BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 431.60 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL;
THENCE SOUTH 00°13'46" WEST, ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL, BEING PARALLEL AND 55 FEET WESTERLY FROM THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 11.56 FEET TO AN ANGLE POINT ON THE RIGHT OF WAY LINE OF GATHE DRIVE AS DESCRIBED IN DEED INSTRUMENT NO. 330372 OF SAID COUNTY RECORDS;
THENCE SOUTH 89°46'14" EAST, PERPENDICULAR TO THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 5.00 FEET, TO AN ANGLE POINT ON THE RIGHT OF WAY LINE OF GATHE DRIVE AS DESCRIBED IN SAID DEED;
THENCE NORTH 00°13'46" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF GATHE DRIVE AS DESCRIBED IN SAID DEED, BEING PARALLEL AND 50 FEET WESTERLY FROM THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 71.71 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND ORIGINALLY DESCRIBED IN DEED INSTRUMENT NO. 245294 OF SAID COUNTY RECORDS;

THENCE IN WESTERLY AND NORTHERLY DIRECTIONS
ALONG THE SOUTHERLY AND WESTERLY BOUNDARY
LINE OF SAID PARCEL FOR THE NEXT TWO (2) COURSES:

1. SOUTH 88°33'46" WEST A DISTANCE OF 435.60
FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL,
MARKED BY A 1/2 INCH REBAR WITH PLASTIC CAP
STAMPED HLE PLS 5360;
2. NORTH 00°13'48" EAST A DISTANCE OF 400.79
FEET, TO A POINT ON THE SOUTH BOUNDARY LINE OF A
PARCEL OF LAND ORIGINALLY DESCRIBED IN DEED
INSTRUMENT NO. 264557, MARKED BY A 1/2 INCH REBAR
WITH PLASTIC CAP STAMPED HLE PLS 5360;

THENCE SOUTH 88°40'05" WEST, ALONG THE
SOUTHERLY BOUNDARY LINE OF THE PARCELS OF
LAND ORIGINALLY DESCRIBED IN DEED INSTRUMENT
NOS. 264557 AND 261512, A DISTANCE OF 446.00 FEET, TO
THE SOUTHWEST CORNER OF A PARCEL OF LAND
ORIGINALLY DESCRIBED IN DEED INSTRUMENT NO.
261512 OF SAID COUNTY RECORDS;

THENCE SOUTH 88°42'05" WEST, PARALLEL AND
SOUTHERLY FROM THE LATITUDINAL CENTERLINE OF
SAID SECTION 21, A DISTANCE OF 390.35 FEET, TO A
POINT ON THE EAST 1/16 LINE OF SAID SECTION 21,
MARKED BY A 1/2 INCH REBAR WITH PLASTIC CAP
STAMPED HLE PLS 5360;

THENCE SOUTH 00°06'33" EAST, ALONG SAID EAST 1/16
LINE, A DISTANCE OF 852.84 FEET, TO THE SOUTHEAST
1/16 CORNER OF SAID SECTION 21, MARKED BY A 1/2
INCH REBAR WITH PLASTIC CAP STAMPED HLE PLS 5360;

THENCE NORTH 89°54'30" WEST, ALONG THE SOUTH 1/16
LINE OF SAID SECTION 21, A DISTANCE OF 300.00 FEET;

THENCE SOUTH 00°10'19" WEST, PARALLEL AND 300
FEET WESTERLY FROM THE EAST 1/16 LINE OF SAID
SECTION 21, A DISTANCE OF 1329.08 FEET, TO A POINT
ON THE SOUTH LINE OF SAID SECTION 21;

THENCE SOUTH 89°36'42" EAST, ALONG THE SOUTH LINE
OF SAID SECTION 21, A DISTANCE OF 300.00 FEET TO THE
EAST 1/16 CORNER ON THE SOUTH LINE OF SAID
SECTION 21, MARKED BY A CITY OF POCA TELLO 2 INCH
ALUMINUM CAP, AS DESCRIBED IN CORNER
PERPETUATION AND FILING RECORD INSTRUMENT NO.
20308747 OF SAID COUNTY RECORDS;

THENCE NORTH 89°48'48" EAST, ALONG THE SOUTH
LINE OF SAID SECTION 21, A DISTANCE OF 1314.76 FEET,
TO THE **POINT OF BEGINNING**.

CONTAINING 72.87 ACRES MORE OR LESS.

Section 2: That the real property described in this ordinance meets the applicable requirements of Idaho Code §50-222 and does not fall within the exceptions or conditional exceptions contained in said section; that this annexation is consistent with the public purposes addressed in the Comprehensive Plan of the City of Pocatello; and that this annexation is reasonably necessary for the orderly development of the City of Pocatello.

Section 3: That the real property in this ordinance described as being situated South of Kraft Road and West of Gathe Drive, comprised of approximately 65.60 acres, be hereby zoned as Residential Commercial Professional, and that the official zoning map adopted by the City of Pocatello be hereby amended to incorporate the land annexed herein and to depict the zone herein established upon said land.

Section 4: That the real property in this ordinance described as being situated East of and adjacent to Gathe Drive, comprised of approximately 5.45 acres, and that portion of Gathe Drive situated between the 65.60 acre parcel and the 5.45 acre parcel, comprised of approximately 1.82 acres, be hereby zoned as Residential Medium Density Multi Family, and that the official zoning map adopted by the City of Pocatello be hereby amended to incorporate the land annexed herein and to depict the zone herein established upon said land.

Section 5: That immediately after the passage, approval, and publication of this ordinance according to law, the City Clerk is hereby directed to file with the Bannock County Auditor, Treasurer, and Assessor, and with the Idaho State Tax Commission, a certified copy of this ordinance.

Section 6: That upon the passage, approval, and publication of this ordinance according to law, the incorporated limits of the City of Pocatello shall extend to and include the

land hereinabove described and thereafter all property and persons within the limits of the land herein annexed shall be subject to all of the provisions of the laws of the City of Pocatello and to the police regulations thereof.

Section 7: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate occasions having been dispensed with.

PASSED AND APPROVED this 2nd day of September, 2010.

CITY OF POCATELLO, a municipal
corporation of Idaho


BRIAN C. BLAD, Mayor

ATTEST:


RHONDA L. JOHNSON, City Clerk

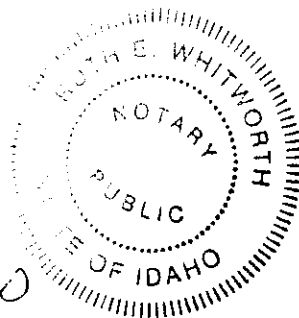
STATE OF IDAHO)


ss:

County of Bannock)

On this 3rd day of September, 2010, before me, the undersigned, a Notary Public for the State, personally appeared Brian C. Blad and Rhonda L. Johnson, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing in Pocatello
My commission expires: 4/16/2013

PUBLISHED: 9-8-2010

ORDINANCE

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RECEIVED FROM 935
SANDHIA COUNTY CLERK

RECEIVED AT REQUEST OF
DEPUTY DE

City of Pocatello

21016304

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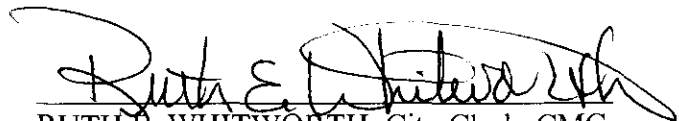


CITY CLERK'S OFFICE
911 North 7th Avenue
P.O. Box 4169
Pocatello, Idaho 83205
(208) 234-6215
Fax: (208) 234-6572

STATE OF IDAHO)
) ss
County of Bannock)

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 2887 as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed this 23rd day of March, 2012.


RUTH E. WHITWORTH, City Clerk, CMC
CITY OF POCA TELLO, IDAHO



CITY CLERK'S OFFICE
911 North 7th Avenue
P.O. Box 4169
Pocatello, Idaho 83205
(208) 234-6215
Fax: (208) 234-6572

March 23, 2012

Idaho State Tax Commission
Technical Support
800 Park Blvd., Plaza IV
Boise, ID 83722

Bannock County Auditor
Bannock County Courthouse
624 East Center
Pocatello ID 83201

Bannock County Treasurer
Bannock County Courthouse
624 East Center
Pocatello ID 83201

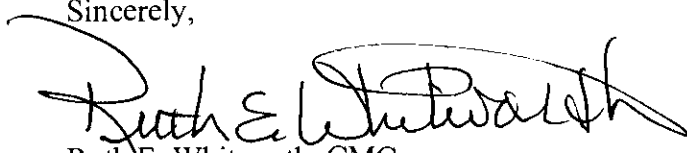
Bannock County Assessor
Bannock County Courthouse
624 East Center
Pocatello ID 83201

To whom it may concern:

In accordance with Idaho Code 50-223 and 63-215 I am sending you a certified copy of the City of Pocatello Idaho Annexation Ordinance 2887.

If you have any questions, please contact me.

Sincerely,


Ruth E. Whitworth, CMC
City Clerk

Enc.

RECEIVED
MAR 26 2012
TECHNICAL SUPPORT